

PTO/SB/21 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number	10/672,688
Filing Date	9/26/2003
First Named Inventor	Petry et al.
Art Unit	2617
Examiner Name	Mehrpour, Naghmeh
Attorney Docket Number	PST-001A

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Check in the amount of \$250.00 2) Return Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Baker & McKenzie LLP		
Signature			
Printed name	Brian C. McCormack		
Date	February 9, 2007	Reg. No.	36,601

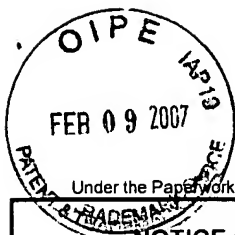
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I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service "Express Mail post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature			
Typed or printed name	Brian C. McCormack	Date	February 9, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

PST-001A

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] February 9, 2007
on _____

Signature: Brian C. McCormackTyped or printed name Brian C. McCormackIn re Application of
Petry et al.Application Number
10/672,688Filed
9/26/2003

For Value-added electronic messaging services....

Art Unit
2617Examiner
Mehrpour, Naghmeh

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any extension fee deficiencies, or credit any overpayments to Deposit Account No. 13-0480. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record. 36,601
Registration number _____
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Brian C. McCormack
Signature

Brian C. McCormack

Typed or printed name

(214) 978-3007

Telephone number

February 9, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

02/12/2007 YPOLITE1 00000038 10672600

☒ *Total of 1 forms are submitted.

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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UTILITY PATENT APPLICATION
ATTY. DOCKET NO. PST-001A

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In re Application of:)	Group Art Unit: 2617
Petry et al.)	
Serial No.: 10/672,688)	Examiner: Mehrpour, Naghmeh
Filed: September 26, 2003)	
For: Value-added electronic messaging)	
services and transparent)	
implementation thereof using)	
intermediate server)	

February 9, 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

NOTICE OF APPEAL

As a precautionary measure, Applicants hereby submit this Notice of Appeal in response to the Final Office Action mailed August 9, 2006, in the above-referenced application. Although Applicants have spoken with personnel of the USPTO, including the Examiner in the present case, who have stated that the Application's status is allowed, because the six-month statutory period for the Notice of Appeal runs from the final rejection date (in this case, August 9, 2006),

and because Applicants have not yet received the Notice of Allowance, Applicants feel compelled to submit this Notice of Appeal to unambiguously keep this case pending.

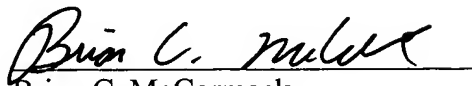
Applicants note that although apparently the USPTO docketing system shows a Notice of Allowance in the case, at least according to USPTO personnel, PAIR still shows the application's status as "Response after Final Action Forwarded to Examiner." The six-month statutory deadline ends after today, February 9, 2007, and so Applicants are accordingly submitting this Notice of Appeal out of an abundance of caution. This Notice of Appeal is timely because it is being submitted within the six-month statutory period.

Because Applicants submitted an Amendment and Terminal Disclaimer on August 11, 2006 in response to the Final Office Action and within the two-month shortened period for response under M.P.E.P. 706.07(f), the two-month shortened period was tolled until the mailing of an Advisory Action, which never came. Because the shortened period was tolled and never ended, no extension fees are due in the present case, and Applicants further respectfully submit that the \$250 fee submitted with this Notice of Appeal should not be applied if, as is probable, the present Application is and has been allowed. Again, as a cautionary measure, this Notice of Appeal and a check in the amount of \$250 are enclosed herewith. In the event that extension fees are required to complete this filing, or if any other fees are due to maintain the pendency of the present application, the Office is authorized to charge those fees to Deposit Account No. 13-0480, referencing Attorney Docket No. 68131261-001101.

Should the Examiner have any questions or wish to discuss this matter, a telephone conference with the below-listed attorney is greatly appreciated.

Respectfully submitted,

Date: 2/9/2007



Brian C. McCormack

Reg. No. 36,601

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